

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STEVEN BRAUNSTEIN,

Case No. 2:15-cv-00947-RFB-NJK

Plaintiff,

ORDER

v.

DWIGHT NEVEN, et al.,

Defendants.

Petitioner Steven Braunstein has submitted a petition for a writ of habeas corpus and has now paid the filing fee (see ECF No. 5).

Petitioner challenged the same amended judgment of conviction in at least three previous actions filed in this court: 3:11-cv-00587-LRH-WGC; 3:13-CV-00666-MMD-WGC; and 2:14-cv-00853-JCM-VCF. In the first action listed, this court dismissed the habeas petition because all of the claims were procedurally defaulted. The second and third habeas petitions listed here were, therefore, second or successive habeas corpus petitions. *Henderson v. Lampert*, 396 F.3d 1049, 1053 (9th Cir. 2005). Petitioner was required to obtain authorization from the court of appeals before he could proceed with a second or successive petition. 28 U.S.C. § 2244(b)(3). This court dismissed both petitions because petitioner did not have such authorization. Petitioner again lacks such authorization here, and this petition shall also be dismissed with prejudice as second and successive.

Reasonable jurists would not find this conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

1 **IT IS THEREFORE ORDERED** that the Clerk shall **DETACH** and **FILE** the
2 petition (ECF No. 1-1).

3 **IT IS FURTHER ORDERED** that petitioner's motion for extension of time to pay
4 filing fee (ECF No. 4) is **GRANTED** *nunc pro tunc*.

5 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** with prejudice as a
6 successive petition.

7 **IT IS FURTHER ORDERED** that the following motions filed by petitioner: motion
8 for reconsideration of *in forma pauperis* application (ECF No. 3); motion for leave to
9 request submission and calendar schedule (ECF No. 6); motion to file and schedule
10 hearing (ECF No. 7); motion for appointment of counsel (ECF No. 8); motion for
11 summary judgment (ECF No. 9); motion for summary judgment (ECF No. 11); motion
12 for court to grant § 2241 petition (ECF No. 12) are all **DENIED** as moot.

13 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

14 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
15 and close this case.

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17 DATE: 5th day of February, 2016



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20 RICHARD F. BOULWARE, II
21 UNITED STATES DISTRICT JUDGE
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